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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,629

03/15/2004

Stanley Liow

JCLA12566

2896

23900 7590 07/30/2007  
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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

07/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/801,629	LIOW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jorge L. Ortiz-Criado	2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 and 10-12 and 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites “generating the wobble clock signal by feeding the wobble signal back itself”.

The examiner cannot ascertain where in the specification support is found for this limitation. According to the specification (for example Fig. 1A), Applicant feeds back the wobble clock signal and not the wobble signal itself. The specification does not enable one of ordinary skill in the art to which it pertains to feed back the wobble clock signal and have the invention still operate as disclosed without undue experimentation.

Claims 5 and 13 recite wherein the wobble signal is processed by a fake signal removing process in advance. The examiner cannot ascertain where in the specification support is found for this limitation as to enable one skilled in the art how to remove such “fakes” signals from the wobble signal and make the invention without undue experimentation.

The determination is that “undue experimentation” would have been needed to make and/or use the claimed invention, *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988).

The fake signals removing process could not be implemented by one of ordinary skill in the art without undue experimentation. There is no indication in the specification as to how to make and/or use the parts represented by “the fake signal removing circuit”, without undue experimentation. There are no explanations in the specification of how the circuit should be interrelated and controlled so as to obtain the specific operations desired by the applicant of removing ‘fake signals’.

For purposes of examination the claims are interpreted with their broadest reasonable interpretation in light of the supporting disclosure.

Dependent claims 2-3 fall together accordingly.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Chou U.S. Patent Application Publication 2003/0048120.

Regarding claim 1, Chou discloses a method for generating a wobble clock signal (see Fig. 7), comprising: generating a wobble clock signal according to a wobble signal (performed at 64), wherein the wobble signal is generated when an optical disc is processed; comparing a width of the wobble signal (performed at 72; 73) at different status with an average (74; 75); and

generating the wobble clock signal according to either one of the following (see Fig. 7):  
continuously generating the wobble clock signal according to the wobble signal; and generating  
the wobble clock signal by feeding the wobble signal back itself.

***Allowable Subject Matter***

Claims 6-8 and 10-12 and 14-20 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art made of  
record fails to teach or fairly suggest in combination with the other elements of the claim:

feeding the wobble clock signal back to re-generate the wobble clock signal by replacing  
the original wobble clock signal, when either a defect is found on an optical disc or the wobble  
signal becomes deformed;

a selection circuit, electrically coupled to the clock signal generating circuit for receiving  
the wobble signal and the signal fed back from the wobble clock signal, and for determining  
whether or not to allow the clock generating circuit to select the wobble clock signal and  
feedback the wobble clock signal back to generate the wobble clock signal itself according to at  
least an enabling signal..

Any comments considered necessary by applicant must be submitted no later than the  
payment of the issue fee and, to avoid processing delays, should preferably accompany the issue  
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for  
Allowance."

Comments regarding allowability of claims 2-3, 5 and 13 are not made because of the  
rejections under 112 first paragraph as outlined above.

***Response to Arguments***

Applicant's arguments filed 04/30/2007 have been fully considered but they are not persuasive.

Applicant argues that support for enablement for the language of “feeding the wobble signal back itself” as in claim 1, is found in the specification.

The examiner cannot concur with the Applicant because according to the specification, Applicant feeds back the wobble clock signal and the examiner cannot find where it is specified that the wobble signal itself is fed back.

Applicant acknowledged this in his remarks on page 11, by reciting, “*Applicant reminds that the invention at least describes related parts of "The selection circuit 130 determines whether to enable a deformation enabling signal ME according to the deformation signal MS, such that the selection circuit 130 can select the feedback of the wobble clock signal WBCLK as its signal source for generating the wobble clock signal WBCLIC*”.

Applicant argues that there is support for enablement for the language “the wobble signal is processed by a fake signal removing process in advance” because Applicant discloses the block # 104 that performs the process.

The examiner cannot concur with the Applicant because there are no explanations in the specification of how the circuit should be interrelated and controlled so as to obtain the specific operations desired by the applicant of removing ‘fake signals’ and information is missing about essential parts or relationships between parts which one skilled in the art could not develop without undue experimentation, hence lack of enablement.

Applicant argues that Chou does not disclose or suggest generating the wobble clock signal by feeding the wobble signal back itself, as in claim 1.

The examiner cannot concur because as claimed, in the alternative language, the wobble clock signal is generated according to one of the following: continuously generating the wobble clock signal according to the wobble signal; and generating the wobble clock signal by feeding the wobble signal back itself.

Chou discloses continuously generating the wobble clock signal according to the wobble signal; hence it meets the claim, as outlined in the above rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

joc

/William R. Korzuch/

SPE, Art Unit 2627